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Security Council

Sixty-eighth year

Provisional

6912th meeting
Tuesday, 29 January 2013, 10 a.m.
New York

President:	Mr. Masood Khan	(Pakistan)
Members:	Argentina	Mrs. Perceval
	Australia	Mr. Quinlan
	Azerbaijan	Mr. Mehdiyev
	China	Mr. Wang Min
	France	Mr. Araud
	Guatemala	Mr. Rosenthal
	Luxembourg	Ms. Lucas
	Morocco	Mr. Loulichki
	Republic of Korea	Mr. Kim Sook
	Russian Federation	Mr. Churkin
	Rwanda	Mr. Nduhungirehe
	Togo	Mr. M'Beou
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Ms. Rice

Agenda

The situation in Libya

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The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

The President: In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Libya to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Tarek Mitri, Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I now give the floor to Mr. Mitri.

Mr. Mitri: Since my last briefing, Prime Minister Ali Zeidan and his Cabinet have taken office in Tripoli. The Prime Minister appears to enjoy broad support from the General National Congress, political parties and the public. The new Government has expressed its determination to tackle the major internal problems facing the country. Equally, the Prime Minister has taken the initiative to enhance relations of cooperation and mutual respect with neighbours in the region, as well as with other international partners.

In recognition of the importance of the Prime Minister's office in exercising leadership in policy implementation and ensuring coordination among the ministries, the United Nations Support Mission in Libya (UNSMIL) has been providing technical assistance in developing effective institutions and processes. Similar assistance has been provided to the General National Congress to support the establishment of its internal structures.

Since my most recent briefing (see S/PV.6857), the Libyan constitution-making process has gained increased political significance, with mounting public pressure on the General National Congress to move expeditiously towards forming the constitution-drafting body. The General National Congress has not yet determined whether the members of that body are to be appointed or elected. That this debate is intertwined with regional politics is evident. The General National Congress has formed a committee to organize public consultations around this important matter. UNSMIL is providing support to the work of the committee. Libyan civil society has also increased discussions on constitution-making procedures and on the constitution's content. UNSMIL continues to encourage inclusive dialogue on both sets of issues, hoping to enhance progress in the process leading to the making of the constitution.

On 14 January, women members of the General National Congress announced the formation of a caucus, one of whose key aims is to ensure the fair representation of women on the constitutional drafting committee. UNSMIL has been supporting their efforts in advocating for women's rights and political participation. In this context, I also recently met with representatives of the Amazigh, Tabu and Tuareg communities to discuss their demands that the Government and the constitutional process address issues affecting their communities, including questions of Libyan identity and citizenship, political participation and language rights.

While the security situation in Libya remains precarious, efforts to reform the security sector have begun to assure greater coherence. On 11 December, the Minister of the Interior announced his plans to develop and restructure the Ministry. His priorities include increasing police presence and visibility, moving gradually towards the integration of members of the Supreme Security Committee into the police, and establishing a vetting mechanism aimed at instilling public confidence in the police force. Since then, more than 20,000 revolutionary fighters — quite a large number — attached to the Supreme Security Committee have individually enlisted in the Ministry and the training process has been set in motion.

The plans of the Government, and those of the Minister of the Interior in particular, have been met with resistance from certain revolutionary brigades that are not ready to surrender their weapons and be absorbed into State institutions. UNSMIL continues to offer, in a more coordinated and efficient manner, its technical advice on the issues of demobilization and reintegration, training, national security policies, legal frameworks, organizational structure and budget.

On 9 December, the borders, petroleum and critical infrastructure guards entity was placed under the command of the Army's Chief of Staff to ensure improved command and control of military operations.

UNSMIL is supporting the Government in developing a comprehensive defence policy, through the process known as "Towards a Defence White Paper", facilitated in close consultation with concerned Ministers, leaders of various military and security institutions, regional military commanders, General National Congress committees, non-governmental organizations and even former revolutionary fighters. The draft of the full paper is expected in February.

UNSMIL and its partners in the international defence working group, continue to assist in the development of military education and training, personnel and pension reform, defence legislation and regulations, and media and communications capabilities. A number of experts have been embedded in the Ministry of Defence and the Office of the Army Chief of Staff.

On 5 and 6 December, the World Health Organization facilitated national consultations in partnership with the Warriors' Affairs Commission for Rehabilitation and Development, the Ministry of Health and Libyan universities to design a curriculum for a one-year course on the psychosocial rehabilitation of former combatants and their families, to be launched in March.

Various Libyan institutions, with the help of the United Nations and other international partners, continued to make significant progress in clearing unexploded ordnances and improving ammunition management. Risk education, including a Ministry of Education training of teachers programme, is supported by UNICEF. However, much remains to be done. For 2013, the United Nations will require $21 million of voluntary funds to efficiently continue its activities.

Security along Libya's borders remains a key concern given the current capacity limitations and the possible impact of recent developments in Mali. In early December, Prime Minister Zeidan visited Algeria, Chad, Niger and the Sudan to discuss border security and ways to improve bilateral relations. This visit resulted in agreements on border security cooperation. On 12 January, the Prime Minister met with the Prime Ministers of Algeria and Tunisia in Ghadames and agreed to joint measures to combat organized crime, terrorism and smuggling across borders.

Meanwhile, discontent among the population in the south has increased, with accusations of insufficient service delivery prompting a temporary walkout by some General National Congress members to draw attention to the issue. Libyan authorities at the highest level expressed, through visits and otherwise, their willingness to address these problems. Prior to that, my Deputy led a joint United Nations country team-UNSMIL mission to the south from 19 to 23 November. They met with local authorities and representatives of civil society to look into humanitarian and development needs. Some of their findings were shared with officials in Tripoli.

Despite some progress, the security situation remains problematic. On 3 January, President el-Magariaf survived an assassination attempt during a visit to Sabha. On 12 January, unknown gunmen fired upon the vehicle of the Italian consul in Benghazi. Targeted attacks on security officials continue in the east. The head of Benghazi's police directorate and a top official in the city's Criminal Investigation Department have been killed. Police stations in Benghazi and Derna have been attacked on many different occasions, as have police patrols.

The Ministry of the Interior, supported by the Benghazi local council, has begun to implement a participatory security policy involving citizens and tribal leaders, aimed at creating the stability in Benghazi that Libyans desire. Benghazi residents organized a demonstration on 28 December, in which they demanded an end to the attacks against security personnel, an investigation into the recent events, and, most important, the dissolution of all armed groups. In my meetings with the local council, non-governmental organizations, political parties and independent figures during my visit to Benghazi, all emphasized the need for more effective implementation of the Government's decisions to improve security in the east. They also expressed their deep feeling of marginalization and called for genuine decentralization and for the election rather than selection of a constitutional drafting body.

The security situation in the east of Libya poses a serious challenge to the Government and threatens to derail its attempts to secure stability. Assassinations and attacks have to be viewed primarily in the context of the resistance of some armed groups to the State's attempt to re-establish its authority. The opposition of armed radical groups to the military intervention in Mali may exacerbate the situation, given ideological and/or ethnic affiliations, as well as porous borders in Libya. Senior Libyan officials whom I met recently stressed their concern over the situation and pledged to provide better security to the diplomatic community and the citizens of Benghazi.

In my last briefing, I reported on the situation in Bani Walid, which has since stabilized. Our human rights team is continuing to follow up on alleged human rights violations committed during and in the aftermath of the conflict. A documented report has been completed and I will present it to the Libyan authorities upon my return to Tripoli. Events in Bani Walid and elsewhere highlighted the urgent need to promote reconciliation and transitional justice. In December, the United Nations, in collaboration with the Ministry of Justice and relevant Government entities, held two conferences on reconciliation and transitional justice. A new draft law on transitional justice, introduced by the Minister of Justice, who is a human rights advocate, provides for a more coherent truth-seeking mechanism, clearer provisions of criminal accountability, and expanded provisions on compensation.

Various efforts towards upholding the need for national reconciliation and the imperative of justice alike are likely to be affected by tensions that could be created or exacerbated by the divisive character of certain thorny issues. Following the exclusion from public positions of persons associated with the previous, Al-Qadhafi regime, on the basis of reviews by the Integrity and Patriotism Commission, there is a strong drive among certain political forces to take this even further. On 26 December and following the proposal of some of its members, the General National Congress discussed the adoption of a law on "political isolation" and formed a committee to make a proposal. UNSMIL encourages consultations on this proposal, looking carefully into possible undesirable effects on reconciliation, social cohesion and political pluralism. We are firm in our conviction that the distinction between personal misconduct and affiliation need not be overshadowed by the desire to be receptive to a popular demand. Any law should also provide sufficient due process guarantees for those whose rights are affected.

The continued detention without due process and mistreatment of several thousand people arising from the conflict remain a source of deep concern. While there has been some progress in the screening and processing of conflict-related detainees, this has remained limited in scope. UNSMIL continues to urge the Libyan authorities to accelerate the screening of such detainees, the release of those against whom there is insufficient evidence, and the transfer of detainees to State-controlled facilities. Additionally, UNSMIL continues to advise the Libyan authorities on prison reform. UNSMIL has also commenced weekly meetings with the General National Congress human rights committee and held additional training for civil society organizations.

UNSMIL continues to advise the Office of the Prosecutor-General on the implementation of an overall prosecutorial strategy, with a focus on cases of those with a high level of responsibility or those responsible for serious crimes. In that regard, on 1 January the Office of the Prosecutor-General announced that it had made significant progress in its investigations against Saif Al-Islam Al-Qadhafi and Abdullah Al-Senussi. Saif Al-Islam Al-Qadhafi appeared before the criminal court in Zintan on 17 January on charges of undermining State security and attempting to escape from prison. The hearing did not address, for the time being, any crimes related to the conflict. The trial of Mahmoud Al-Baghdadi, former Secretary of the General People's Committee — a sort of Prime Minister — under Al-Qadhafi, commenced on 12 November. The court adjourned until 11 February to allow the defence additional time to summon witnesses.

On 17 December, the United Kingdom Government hosted an international meeting with the participation of Libyan officials from the Ministries of Foreign Affairs, Defence, Interior, Justice and Intelligence to discuss international assistance to Libya in its reform of the security sector and institution-building in the justice sector. The meeting — which was attended by officials of Denmark, France, Germany, Italy, Qatar, the United Kingdom, the United Arab Emirates, the United States of America and Turkey, as well as the European Union and the United Nations — endorsed those priorities, emphasized the importance of coordination, and identified specific international assistance needed to realize progress. A ministerial conference will be held in Paris in February. UNSMIL will continue to assist the Libyan authorities in preparing for the conference and will be ready to assume its responsibilities in ensuring proper coordination in following up on the decisions of the Paris conference.

While the determination of the authorities and their many initiatives may augur a greater capability of moving forward in institution-building, it is worth underscoring that there are still many difficult decisions to take in the areas of constitution-making, transitional justice and reconciliation, not to mention security sector reform. In going forward, broad-based support for such decisions is necessary.

Equally necessary is seeking consensus on national priorities in this critical phase of democratic State-building. For that purpose, the Libyan authorities, political forces, community and tribal leaders, revolutionaries and civil society organizations should engage in a process of national dialogue. UNSMIL is committed to assisting in that endeavour.

The President: I thank Mr. Mitri for his briefing.

I call on the representative of Libya.

Mr. Dabbashi (Libya) (*spoke in Arabic*): I did not request the floor but since I have been given it, I would like to take this opportunity to congratulate you, Mr. President, on your assumption of the presidency of the Council for this month. I am sure that your wisdom will give rise to successful results. I would also like to thank Mr. Mitri, Special Representative of the Secretary-General for Libya, for his comprehensive briefing. I think that the briefing has clarified the situation in Libya in all its aspects.

We still depend on the United Nations Support Mission in Libya (UNSMIL) to assist the Government during this difficult transition period from the conflict towards State institution-building. As the Council will understand, it is a difficult period, in which we have had to face a great number of problems. We feel that it is extremely important for UNMSIL to remain in Libya at this critical time because we need its advice in many areas, in particular security sector reform, preparations for drafting the constitution and elections. Those are complex issues for us because we lack experience in such areas. That has been the case for the past five or six decades.

I would like to warmly commend Mr. Mitri on his efforts and his capacity to build confidence. Like his predecessor, Ian Martin, he has established great trust between the Libyan authorities and the United Nations mission. I note that he is working in a cordial environment of close cooperation. I am sure that that will certainly help the Libyan authorities and will make a difference. We hope that the Security Council will continue to provide us with such assistance.

The President: There are no more names inscribed on the list of speakers. I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.35 a.m.